

Department of Environmental Protection and Resource Management
105 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of
Clarence Hall
Respondent

Civil Citation No.71260
11 Melrose Avenue

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on January 26, 2010, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 428, failure to remove two untagged motor vehicles in the driveway and behind the fence on residential property known as 11 Melrose Avenue, 21228.

On December 28, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Clarence Raynor issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on November 16, 2009 for removal of untagged/inoperative motor vehicles from this residential property. This Citation was issued on December 28, 2009.

B. Photographs in the file show a large sedan vehicle parked in the driveway of this residential property, with no license plate. Photographs also show a red Jimmy 4x4 vehicle parked outside behind the fence next to the house, with plastic sheeting taped over the drivers side window. Notes in the file from Inspector Chip Raynor state that both vehicles lack valid tags.

C. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Respondent must put valid tags on the vehicles and make them operable, or remove them from the property.

D. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violation is corrected within the time provided below. If the violation is not corrected, the full civil penalty shall be imposed, Respondent will be subject to additional Citation, and the County may be authorized to remove the untagged vehicle, at Respondent's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violation is corrected by March 15, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 4th day of February 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer